

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA for the use and
benefit of PINNACLE ENVIRONMENTAL
CORPORATION,

Plaintiff,

-against-

23 **CIVIL** 10732 (JMF)

JUDGMENT

VOLMAR CONSTRUCTION and TRAVELERS
CASUALTY AND SURETY COMPANY OF
AMERICA,

Defendants.

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VOLMAR CONSTRUCTION INC.,

Third-Party Plaintiff,

-against-

BANK OF AMERICA, N.A.,

Third-Party Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated November 25, 2024 and Order of Dismissal dated December 9, 2024, the Court was advised at ECF No. 80 that all claims between Plaintiff and Defendant in this case have been settled. Further, the Courts November 25, 2024 Memorandum Opinion and Order resolved the claims between Third-Party Plaintiff and Third-Party Defendant. Judgment is entered in favor of the Third-Party Defendant Bank of America, N.A. Further, it is hereby ORDERED that the above-entitled action be and is hereby

DISMISSED and discontinued without costs, and without prejudice to the right to reopen of Plaintiff or Defendant to reopen within sixty days of the date of this Order if their settlement is not consummated. To be clear, any application to reopen must be filed by the aforementioned deadline; any application to reopen filed thereafter may be denied solely on that basis. Further, requests to extend the deadline to reopen are unlikely to be granted. If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court by the deadline to reopen to be so ordered by the Court. Per Paragraph 5.B of the Courts Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record. Any pending motions are moot; accordingly, the case is closed.


Dated: New York, New York

December 10, 2024

TAMMI M. HELLWIG

Clerk of Court

BY:


Deputy Clerk